

### **REMARKS**

Claims 1-18 and 24-26 are now pending in the application. By this paper, Claims 1 and 8 have been amended and Claims 24-26 have been added. The basis for these amendments and new claims can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The preceding amendments and the following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance.

The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1-4, 6, 8, 11-14, and 16-18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Herman (U.S. Pat. No. 2,613,571).

This rejection is respectfully traversed.

Independent Claim 1 calls for a mechanical spacer for use in a slitting operation including a first housing plate, a second housing plate, and a plurality of shafts disposed between the first and second housing plates. See Specification at pg. 5, Paragraph [0021] and FIG. 1 The shafts each have an equal length such that the first housing plate is spaced apart from the second housing plate a predetermined distance. See Specification at pg. 6, Paragraph [0022] and FIG. 1.

Independent Claim 8 calls for a slitter tool including an upper arbor defining a first longitudinal axis and including a first engagement element and a lower arbor defining a second longitudinal axis and including a second engagement element. See Specification at pg. 7, Paragraph [0024] and FIG. 3. In addition, independent Claim 8

calls for at least one mechanical spacer matingly received by each of the upper and lower arbors. See FIG. 3. The mechanical spacers include a first housing plate and a second housing plate defining a third engagement element and a plurality of shafts that fixedly attach the first housing plate to the second housing plate. See Specification at pg. 5, Paragraph [0021] and FIG. 1. The spacers maintain the first housing plate a predetermined distance away from the second housing plate. See Specification at pg. 7, Paragraph [0024] and pg. 8, Paragraph [0025] and FIG. 3.

In this manner, the present invention discloses a mechanical spacer (10) having a first housing plate (12) and a second housing plate (14) fixedly attached by a plurality of shafts (16). See Specification at pg. 5, Paragraph [0019] and FIG. 1. The shafts maintain a space between the first housing plate and the second housing such that the first housing plate is offset from the second housing plate a predetermined distance. See FIG. 1. The offset distance is determined by the length of the shafts and generally defines the overall width of the spacer. See Specification at pg. 5, Paragraph [0021].

Herman fails to teach a mechanical spacer having a first housing plate separated from a second housing plate. Rather, Herman discloses a pair of spacers (4, 5) that are selectively positioned on respective parallel shafts or spindles (1, 2). See Herman at Col. 1, Ins. 46-47 and Col. 2, Ins. 13-15. Each spacer is a solid member and may be positioned adjacent another spacer in an *abutting* relationship to form an annular spacer unit. See Herman at Col. 2, Ins. 25-28 and FIG. 2. In this manner, Herman fails to teach a mechanical spacer having a first housing plate separated from a second housing plate.

Herman also fails to teach a first housing plate separated from a second housing plate by a plurality of posts. When the spacers are in an abutting relationship, one or

more pins (11) are disposed within recesses (12) formed in each spacer. See Herman at Col. 2, Ins. 49-55 and FIG. 2. When the pins are fully inserted in the recesses of abutting spacers, the spacers are actually in contact such that a space is not formed therebetween. See Herman at Col. 2, Ins. 25-28 and FIG. 2. In this manner, Herman fails to teach a first housing plate separated from a second housing plate by a plurality of posts.

Because Herman fails to teach a mechanical spacer having a first housing plate separated from a second housing plate, and further, because Herman fails to teach a plurality of shafts disposed between a first housing plate and a second housing plate, Applicant respectfully submits that Herman fails to teach each and every element of the present invention. Accordingly, Applicant respectfully submits that independent Claims 1 and 8, as well as Claims 2-7 and 9-18, respectively dependent therefrom, are in condition for allowance. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 5-7, 9-10, and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Herman (U.S. Pat. No. 2,613,571).

This rejection is respectfully traversed.

Independent Claims 1 and 8 are believed to be in condition for allowance in light of the remarks contained above. Because Claims 5-7, 9-10, and 15 respectively depend from independent Claims 1 and 8, dependant Claims 5-7, 9-10, and 15 should similarly be in a condition for allowance for at least the same reasons. Therefore, reconsideration and withdrawal of the rejection is respectfully requested.

### **NEW CLAIMS**

New Claims 24-26 are added for consideration. Claims 24 and 25 respectively depend from independent Claim 1 and 8 and are therefore believed to be in condition for allowance in light of the foregoing remarks.

Independent Claim calls for a mechanical spacer for use in a slitting operation including a first housing plate and a second housing plate fixed relative to, and separated from, the first housing plate by a plurality of posts. See Specification at pg. 5, Paragraph [0021] and FIG. 1. As discussed above, the cited art of record fails to teach a mechanical spacer having a first housing plate separated from a second housing plate. Accordingly, Applicant respectfully submits that new independent Claim 26 is in condition for allowance for at least this reason.

### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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